

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MISSOURI

IN RE: )  
Jesfina Soichy Albert, ) Case No. 11-50338  
)  
)  
)  
Debtor. )

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Jesfina Soichy Albert, )  
)  
)  
) Adversary Proceeding No. 11-05027  
Plaintiff. )  
)  
GMAC Mortgage )  
3451 Hammond Avenue )  
Waterloo IA 50702-0000, )  
)  
and )  
)  
Registered Agent Served At: )  
)  
CT Corporation System )  
120 South Central Avenue )  
Clayton, MO 63105, )  
)  
Defendant. )

**MOTION FOR DEFAULT JUDGMENT AGAINST GMAC MORTGAGE**

COMES NOW the Plaintiff by and through her attorney of record and hereby moves the Court for the entry of a Judgment by default against Defendant GMAC Mortgage and in favor of Plaintiff. In support hereof Plaintiff states the following:

1. On October 19, 2011, Plaintiff filed her Motion to Avoid Lien in an Adversary proceeding.

2. On October 25, 2011, the Court's Clerk issued a Summons and Pretrial and Notice of Trial in an Adversary Proceeding against GMAC Mortgage.
3. Service of the Summons on was obtained upon GMAC Mortgage on October 31, 2011. The original Receipts for Certified Mail No. 7009 0080 0001 6756 3086 and 7009 0080 0001 6756 3130 is available upon request.
4. The deadline by which December 2, 2011 was required to file its pleadings in response to Plaintiff's Motion to Avoid Lien in an Adversary Proceeding.
6. GMAC Mortgage failed to file a responsive pleading by the December 2, 2011 deadline.

WHEREFORE, Plaintiff respectfully prays that the Court declare that GMAC Mortgage's lien is void pursuant to 11 U.S.C. §506(d) and that GMAC Mortgage's claim be classified as an unsecured nonpriority claim that is to be paid in the same manner as all other unsecured nonpriority claims.

Respectfully submitted,

/s/ Tracy L. Robinson  
Tracy L. Robinson, MBE #36691  
Tracy L. Robinson & Associates LC  
818 Grand, Suite 600  
Kansas City, Missouri 64106  
(816) 842-1317 - telephone  
(816) 842-0315 - telecopy  
ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he served a true and correct copy of the foregoing by First Class U.S. Mail, postage paid, on the following on the 6th day of December 2011.

GMAC Mortgage  
3451 Hammond Avenue  
Waterloo IA 50702-0000,

CT Corporation System  
120 South Central Avenue  
Clayton, MO 63105

Jesfina Soichy Albert  
4902 NW 62nd Street  
Kansas City, MO 64151

/s/ Tracy L. Robinson  
Tracy L. Robinson